

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

PURA SCENTS, INC., a Delaware corporation,

Plaintiff,

v.

ATMOS FRAGRANCE, INC., a Delaware corporation; and KRISTEN KNIGHT, an individual,

Defendants.

**SCHEDULING ORDER - PATENT CASE
PRE-CLAIM CONSTRUCTION**

Case No. 2:24-cv-00958

District Judge Ted Stewart

Magistrate Judge Daphne A. Oberg

Under Fed. R. Civ. P. 16(b) and the Order to Propose Schedule, the parties have filed an Attorney Planning Meeting Report. The following deadlines may not be modified without a court order consistent with Fed. R. Civ. P. 16(b)(4) and DUCivR 83-5. Plaintiff Pura Scents, Inc. is directed to file a proposed Post-Claim Construction Scheduling Order with the remaining case deadlines within 14 days of the court entering a ruling on claim construction. The Court will then set trial deadlines in the Post-Claim Construction Scheduling Order or through a case management conference.

**DEADLINES ARE 11:59 P.M. ON THE DATE INDICATED UNLESS
EXPRESSLY STATED OTHERWISE**

1. PRELIMINARY MATTERS AND DISCLOSURES

a.		Deadline for plaintiff's Accused Instrumentalities Disclosure: [LPR 2.1]		<u>10/01/25</u>
b.		Deadline for plaintiff's Rule 26(a)(1) Initial Disclosure: [LPR 2.2]		<u>10/01/25</u>
c.		Fact discovery begins		<u>10/01/25</u>
d.		Deadline for defendant's Rule 26(a)(1) Initial Disclosure: [LPR 2.2]		<u>10/08/25</u>

e.		Deadline for plaintiff to identify with particularity the alleged infringed trade secrets		<u>10/10/25</u>
f.		Deadline for plaintiff to serve Initial Infringement Contentions: [LPR 2.3]		<u>11/12/25</u>
g.		Deadline for defendant to serve Initial Non-Infringement, Ineligibility, Invalidity, and Unenforceability Contentions: [LPR 2.4, 2.6]		<u>11/26/25</u>
h.		Deadline to file motion to amend pleadings:		<u>1/21/26</u>
i.		Deadline to file motion to join parties:		<u>01/21/26</u>
j.		Deadline for Final Infringement Contentions: [LPR 3.1]		<u>04/29/26</u>
k.		Deadline for final Ineligibility, Invalidity, and Unenforceability Contentions: [LPR 3.1]		<u>05/13/26</u>
l.		Deadline for Final Non-Infringement Contentions: [LPR 3.1]		<u>05/27/26</u>
m.		Deadline to serve written discovery before claim construction: [Fed. R. Civ. P. 34]		<u>06/08/26</u>
n.		Deadline for fact discovery to close before claim construction: [LPR 1.3(a)]		<u>07/08/26</u>

2. PROTECTIVE ORDER

a.		The parties anticipate the case will involve the disclosure of information, documents, or other materials that will be designated as confidential.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
b.		If the case will involve the disclosure of information, documents, or other materials that will be designated as CONFIDENTIAL, then good cause exists for the court to enter the court's Standard Protective Order (SPO) under DUCivR 26-2: This case will involve disclosure of information, documents, or other materials (such as proprietary company information and/or trade secret information) that will be designated CONFIDENTIAL or HIGHLY CONFIDENTIAL-AEO.		

3. FACT DISCOVERY

a.		Maximum number of depositions by Plaintiff:	<u>10</u>
b.		Maximum number of depositions by Defendant:	<u>10</u>
c.		Maximum number of hours for each deposition excluding 30(b)(6) depositions:	<u>7</u>
d.		Maximum number of aggregate hours for all 30(b)(6) witnesses for each party:	<u>15</u>
e.		Maximum interrogatories by any party to any party:	<u>25</u>
f.		Maximum requests for admissions by any party to any party:	<u>25</u>

g.		Maximum requests for production by any party to any party:	<u>50</u>
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4. CLAIM CONSTRUCTION DEADLINES

a.		Deadline for parties to exchange proposed claim terms and claim constructions for construction: [LPR 4.2]	<u>06/10/26</u>
b.		Deadline for parties to reach an agreement to submit no more than 10 terms for construction: [LPR 4.2]	<u>06/17/26</u>
c.		Deadline for parties to file and serve Cross-Briefs for Claim Construction and Joint Appendix: [LPR 4.3]	<u>07/15/26</u>
d.		Deadline for parties to file Simultaneous Responsive Claim Construction Briefs: [LPR 4.3]	<u>08/12/26</u>
e.		Deadline for parties to file Joint Claim Construction Chart & Joint Status Report Due: [LPR 4.3]	<u>08/19/26</u>
f.		Deadline for parties to file a Tutorial: [LPR 4.5]	<u>08/26/26</u>
g.		Deadline for parties to exchange exhibits: [LPR 4.4]	7 days before Claim Construction Hearing
h.		Claim Construction Hearing: ¹ [LPR 4.4]	TBD

5. EXPERT DISCOVERY

a.		Expert Reports of Parties Bearing the Burden of Proof [LPR 5.1(b)]	28 days after claim construction ruling
b.		Expert Reports of Parties Not Bearing the Burden of Proof [LPR 5.1(c)]	56 days after claim construction ruling
c.		Rebuttal Expert Witness Reports [LPR 5.2]	84 days after claim construction ruling
d.		Expert Witness Depositions and Close of Expert Discovery	98 days after claim construction ruling

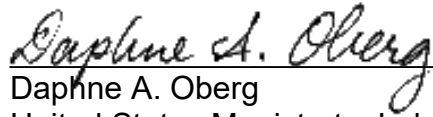
¹ Parties should file a joint motion to set the date for the Claim Construction Hearing per LPR 4.4.

6. DISPOSITIVE MOTIONS

a.		Deadline for filing dispositive or potentially dispositive motions: <i>(including a motion to exclude experts when expert testimony is required to resolve the motion)</i>	126 days after claim construction ruling
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DATED this 22nd day of August, 2025.

BY THE COURT:



Daphne A. Oberg
United States Magistrate Judge